IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.473 of 2005

Between:

Sadam Peda Galaiah, S/o.Bontha Avulaiah,
R/o.West Kasipuram (V), Kurichedu (M),
Prakadam District.

..... PETITIONER

AND

1 The District Collector, Prakasam District at Ongole.
2 The Revenue Divisional officer, Kandukur Division, Prakasam District.
Kandukur, Prakasam Dist.
3 The Mandal Revenue officer, Kuridhedu (M), Prakasam Dist.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in directing to evict the petitioner from the landed property of Ac.3.40 cts, in Sy.No.51 of West Kasipuram village by a notice dt.15/12/2004 issued under Section 6 of A.P. Land Encroachment Act, without conducting enquiry under Section 6(2) of the same Act, in spite of my objections dt.04-12-2004 is illegal, irregular, and violative of Articles 14, 21 and 300-A of constitution of India and also offends the provisions of A.P Land Encroachment Act and consequently direct the respondents not to evict me from the said land.

Counsel for the Petitioner: MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

The petitioner claims to be owner and possessor of land admeasuring Ac.1.50 cents situated in Survey No.51 of West Kasipuram village, having inherited the same from his father. It is stated that the 3rd respondent-Mandal Revenue Officer issued notice dated 29.11.2004 under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') directing the petitioner to show cause on or before 13.12.2004 as to why he should not be evicted from the land in question, for which, the petitioner is stated to have filed his objections through his counsel on 04.12.2004. It is stated that when the 3rd respondent-Mandal Revenue Officer earlier issued notice demanding him to vacate the land in question, the petitioner is stated to have filed a civil suit and obtained injunction orders. The grievance of the petitioner is that the 3rd respondent-Mandal Revenue Officer, without conducting any enquiry into

the objections filed by him under Section 6(2) of the Act, issued the impugned notice dated 15.12.2004 under Section 6 of the Act directing him to vacate the land in question within 7 days. Hence, the present writ petition is filed.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue.

According to the petitioner himself, he has already submitted objections to the notice issued by the 3rd respondent-Mandal Revenue Officer and also availed civil remedy by filing a suit before the Junior Civil Judge, Darsi and obtained injunction orders. If the 3rd respondent-Mandal Revenue Officer is committing breach of the order passed by the civil Court, the petitioner can bring the same to the notice of the concerned Court, which granted the injunction orders. On the other hand, the

impugned notice dated 15.12.2004 reveals that the same was issued to the petitioner by the 3rd respondent-Mandal Revenue Officer in pursuance of the orders passed by the Junior Civil Judege, Darsi in O.S.No.146 of 1997, dated 14.10.2004. The petitioner has not stated anything about the pendency of civil suit filed by him or about his orders obtained therein. If the petitioner is so aggrieved, he has remedy in the very same Court, in which he has filed civil suit, and this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot interfere into the matter and pass any orders at this stage.

Under the circumstances, there is no merit in the writ petition and the same is dismissed at the admission stage. No costs.

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N.V. RAMANA, J

Date: 20.01.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Prakasam District at Ongole.
2 The Revenue Divisional officer, Kandukur Division, Prakasam District.
Kandukur, Prakasam Dist.
3 The Mandal Revenue officer, Kuridhedu (M), Prakasam Dist.

4 Two CCs to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 2 CD copies

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